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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,106	12/29/97	BENNETT	8285/162

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EXAMINER

POPE, D

ART UNIT	PAPER NUMBER
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2736

16

DATE MAILED: 07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/999,106

Applicant(s)

BENNETT ET AL

Examiner

DARYL C. POPE

Group Art Unit

2736

☒ Responsive to communication(s) filed on Apr 10, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 2-12, 14-34, and 36-53 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 2-12, 14-34, and 36-53 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. **Claims 2,7,11-12,14,21-22,24,27-31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Launey et al for the reasons of record as discussed in the previous office action.**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. **Claims 51-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao.**

-- In considering claim 51, the claimed subject matter that is met by Joao includes:

1) the claimed home automation controller located in a customer premises is met by the CPU(4);

2) the claimed home automation server located remotely from the premises comprising a home automation application is met by the server computer(510, column 28, lines 44-64);

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3) the claimed home automation controller sending a request to the remotely located home automation application is met(see: column 10, lines 9-22).

Although the above stated column and line numbers refer to an embodiment of the system which monitors vehicles, Joao states that the apparatus and method of alternate embodiments operate in the same and/or analogous manner, and therefore pertain to the embodiment for control, monitoring, and/or security functions for home and/or residential premises(see: column 66, lines 7-14).

-- Claim 52 recites subject matter that was met as discussed in claim 51 above, as well as:

1) the claimed device control means is met since the CPU is connected to the various devices and equipment of the system in figure(15).

***Claim Rejections - 35 USC § 103***

**5. Claims 3-6,8,16,18, and 36-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al for the reasons of record as discussed in the previous office action.**

**6. Claims 9-10,20,26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al in view of Joao for the reasons of record as discussed in the previous office action.**

**7. Claims 15,17,19,23,25, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al(Launey) in view of Joao.**

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-- Claims 15,17,19,23,25, and 33 recite subject matter that was met by Launey as discussed in the previous office action, except for:

1) the claimed sending a request to a remotely located home automation application to control a load and for receiving a signal to control the load from a remotely-located home automation application in response to the sent request.

Use home automation systems which send requests to remotely located applications which thereby control a load from a remote location is well known in the art. In related art, Joao discloses a home automation controller which sends a request to a server such that the server evaluates the situation at the location of the controller to and thereby controls a load at the location based on the request and the information from the evaluation(see: Joao, column 10, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of requesting and control of the home automation controller and server of Joao into the system of Launey, since this would have facilitated the automation of the system of Launey by allowing verification of a status at the location before the control of loads at the location is enacted.

**8. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Launey et al(Launey).**

-- Claim 53 recites subject matter that is met by Joao as discussed in claim 51 above, except for:

1) the claimed access line comprising voice and data channels.

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Although an access line comprising voice and data channels is not shown by Joao, Joao does show a voice synthesizer(4B, figure 15) connected to the CPU(4) by a line which would obviously have included a voice channel. Use of access lines comprising voice and data channels are well known in the art. In related art, Launey shows the use of voice recognition circuitry in order to control the operation of the home automation system(see: column 13, lines 3-66). Since the use of voice synthesizer(4B) is already taught as shown Joao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the voice recognition circuitry of Launey into the system of Joao, since this would have enhanced the control capabilities of a user of the system by allowing voice commands to control the system.

Furthermore, as stated by Launey, use of the voice recognition circuitry over the telephone system so as to provide voice and data control signals would have been advantageous when that circuitry would have been available(see: column 15, lines 10-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate access lines comprising voice and data channels, since the examiner takes Official Notice that in the network communications art, the use of these means for transmitting control signals is well known due to their efficiency with regards to translating and routing control signals to be distributed to various devices connected in a network, and therefore would have facilitated voice recognition circuitry utilized over telephone lines in the system of Joao in view of Launey.

**REMARKS:**

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***Response to Arguments***

9. Applicant's arguments filed 4/10/2000 have been fully considered but they are not persuasive.

10. APPLICANT'S ARGUMENTS:

1) "Claims 2,22,24,28, and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by Launey et al.....Again, just because it is possible to use a remote file server for monitoring purposes does not make the teaching inherent in Launey et al";

2) "Claims 16,18, and 20, like the claims discussed above, recite a home security application that is remotely located from a customer premises.....because it does not teach a remotely-located home security application, as discussed above in conjunction with Claims 2,22,24,28, and 34";

3) "Independent Claims 15,17,19.....In this way, many users can receive new features with a single update instead of updates to many local central processors".

11. EXAMINER'S RESPONSE:

1-2) Applicant is asserting that since the reference of Launey discloses that the home security system 38 that is located at the customer premises serves as the claimed home security application, and as well, since there is no indication in Launey that the examiner's interpretation of the home security application(network file server(51), external terminals(52A-C), and remote data base(44)) do not interact with the home security server(38) of Launey, then the examiner can not reject the claims based on inherent interaction simply because it is stated that those devices

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monitor the system from a remote location. But it is the examiners interpretation that that is the exact function that those above stated devices perform. Applicant is asserting that Launey does not specifically state that those devices do interact with the security system(38), but it is the examiner's interpretation that Launey does not specifically state that those devices don't interact with the security system. What Launey does state is that those devices clearly monitor and control all devices in the system via the central processor(10). The central processor clearly monitors and controls all devices in the system, including the security system(38). In view of this, it is clear that the security system(38), which is controlled by the central processor(10) would have been controlled by the above stated devices in a manner that would have read on the claimed subject matter.

3) Applicant's argument with regards to these claims are deemed moot in view of new grounds of rejection as stated in the art rejection above.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051(for formal communications intended for entry)

Or:

(703) 308-9051(for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington. VA., Sixth Floor (Receptionist).


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Fridays from 8:30 to 5:00 since the examiner works on a flex-time schedule in which every other Friday is the examiner's day off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Daryl C. Pope



**DARYL POPE**  
**PRIMARY EXAMINER**

June 30, 2000